

Guatemala - Maya

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Profile

The majority of indigenous peoples in Guatemala are of Mayan descent. The Mayans of Guatemala are the only indigenous culture that constitutes a majority of the population in a Central American republic. There are 21 different Mayan communities in Guatemala making up an estimated 51 per cent of the national population.

Maya are dispersed throughout Guatemala especially in the western highlands. The largest populations are in rural departments north and west of Guatemala City, most notably, Alta Verapaz, Sololá, Totonicapán and Quiché. Maya are also located on farms in Guatemala's southern area known as Boca Costa.

Increasing numbers of Mayans of varying social classes live in all of Guatemala's cities, as well as in Belize, Honduras and especially Mexico.

Mayan groups are distinguished by language. The most common of the approximately 26 indigenous Mayan languages that are still spoken are Q'eqchi', Cakchiquel, Mam (Maya), Tzutujil, Achi and Pokoman.

Historical context

Pre-Colombian

Mayan history shows strong evidence of connections to the more ancient Olmec (Xhi) civilization of southern Veracruz in Mexico.

The physical 'boundaries' of the ancient Mayan empire spanned the countries of modern-day Guatemala, Belize, the western portions of Honduras and El Salvador, and the five Mexican states of Yucatán, Quintana Roo, Tabasco, Campeche and Chiapas.

One group of Mayans called the Huastecs separated in ancient times and established itself outside of this geographical area. There were 28 other ethnic groups whose names correspond to their languages. These are the Mam, Yucatec, Chorti Itza, Lacandon, Mopan, Chontal, Chol, Cholti, Tzotzil, Tzeltal, Coxoh, Tojolabal, Chuj, Jacalteco, Kanjobal, Mocho, Tuzantec, Aguacateca, Ixil, Quiche, Tzutuhil, Cakchiquel, Uspantec, Achi, Pocomchi, Kekchi and Pocomam.

The ancient Maya developed an agriculture-based society (maize, beans and root crops) supplemented with wild game and fish caught in rivers, lakes and oceans. Ancient Maya cities were densely populated. They established far-reaching production and trade networks as well as temples and religious centres, and developed writing, mathematics and astronomy, which allowed them to monitor other planets and predict eclipses.

Contemporary era

While the Mayan civilization was already in a prolonged hiatus when the Spanish arrived in the sixteenth century, the invasion prompted a very rapid decline. This occurred through the dispossession of lands and the use of Mayans for forced labour on cocoa and indigo plantations.

Mayan leaders today refer to the massacres of the 1980s as the 'third holocaust', the other two being the Spanish conquest and its aftermath, and the land dispossession during the Liberal revolution of the nineteenth century. The large self-identified Mayan majority remains partly due to the group's ability to assimilate cultural and religious influences. This is in part because of the internal coherence of Mayan communities in their approach to the outside world, and also because of the significant process of cultural resistance that the community continues to exercise.

The 1960s saw the rise of social movements in Guatemala demanding land and fair wages in the Mayan highlands and the large farms of the south coast. The repression that the movement faced was exemplified by the burning down of the Spanish Embassy on 31 January 1980 when a group of 39 Mayan leaders sought refuge inside. This created fertile ground for recruitment to the armed insurgency under the umbrella of the Guatemala National Revolutionary Unit (URNG).

The state response, in the form of the counter-insurgency campaigns of General Ríos Montt and the subsequent militarization of the area, caused almost 200,000 deaths, created over 200,000 refugees in Mexico and a million internally displaced within the country. These actions were subsequently defined as genocidal by the United Nations-sponsored truth commission.

The return to civilian rule created a state with less formal discrimination. However, discriminatory legislation against women still existed and *de facto* discrimination continued to exclude the Mayan communities from the legal, political, economic and social systems of Guatemala. In many Mayan areas, militarization as a consequence of the armed conflict left the army as the only visible institution of the state apart from the Catholic Church.

Reconciliation

Article 66 of the 1985 Constitution recognized the existence of Mayan groups and provided for the state to respect their rights to use indigenous languages, traditional dress, customs and forms of social organization. Article 70 called for a law to establish regulations relating to indigenous questions.

However, 10 years after the introduction of the Constitution, the necessary law had not been enacted. In addition, under the existing electoral law, the Maya had no opportunity to organize politically. During 1992, there was some hope that Congress might ratify International Labour Organization (ILO) Convention No. 169 relating to indigenous peoples, but a series of delays and a short-lived coup in 1993 put an end to the process.

Mayan culture continued to be denigrated by the national political elite, which was implicated in their massacre. Where concessions were made, as in the limited government bilingual education programme, these were more designed to assimilate Maya into mainstream national culture, in this case by integrating Mayan children into the existing Spanish education system.

Cultural flowering

Despite the levels of discrimination and the negative effects of the 1985-95 internal armed conflict, a new movement of Mayan organizations blossomed, which included locally based development groups. Issues such as the rights to land, civil and cultural rights, bilingual education and the recognition of Mayan local authorities became major topics of focus. In addition, Mayan academic institutions and research institutes began gathering and documenting the history of Mayan civilization. A key symbol of the indigenous popular movement was the 1992 Nobel Peace Prize award to Mayan exile Rigoberta Menchú, which gave the entire Mayan issue increased international recognition and some local protection from military repression.

These developments forced all parties in the conflict to radically alter their perceptions regarding the Maya. A significant step forward was taken in March 1995 with the signing of an accord on indigenous rights between the government and the guerrillas. This was cautiously welcomed by the Coordination of Guatemalan Mayan Organizations (COPMAGUA), the umbrella organization of Mayan organizations, which subsequently presented proposals for the Peace Accords to the Assembly of Civil Sectors for discussion.

The accord defined the Guatemalan nation as 'multi-ethnic, pluricultural and multilingual', a definition which was to be incorporated into the Constitution. It promised the introduction of anti-discriminatory legislation and the congressional approval of ILO Convention No. 169.

It also agreed on a number of measures to increase Mayan participation in society, including the promotion of bilingual education at all levels of the state education system; the official use of indigenous languages within the legal system sanctioned through indigenous legal aid organizations; the training of bilingual judges and interpreters and the provision of special legal

defence services for indigenous women. In addition, commitment to the principle of municipal autonomy was made through an agreement to reform the municipal code and to strengthen Mayan authorities.

In 1996, Guatemala ratified ILO Convention No. 169 and in May 1999, a national referendum was held on indigenous peoples' rights that proposed changes to four points of the Constitution. There was criticism concerning voter intimidation and overtly racist campaigns, which may have affected the outcome. In the end the proposal on cultural and linguistic plurality was defeated receiving support from only 43 per cent of voters, who in turn represented barely 19 per cent of the total electorate.

Human rights, politics and participation

In 2002 and 2003 once again there was a rise in death threats and abductions against human and indigenous rights leaders. This particularly involved activists working to bring government officials and military officers to trial over civil war-related atrocities, and there were scattered reports of murders of indigenous and human rights leaders.

Much of this activity was attributed to the reactivation of groups connected to the 2003 election campaign of presidential candidate General Efraín Ríos Montt, the founder of the Guatemalan Republican Front (FRG) party who was Guatemala's dictator during the 1982-83 period.

The overwhelming defeat of General Montt in the November 2003 presidential election offered what was considered by activists to be a less than ideal, but nonetheless better, chance of stabilization and democracy.

Historical social practices and apathy in the government continue to result in political exclusion of indigenous people, including limited access to the civil service and high public office.

While constitutional law permits universal suffrage, indigenous people's voting rights are still constrained by exclusionary social practices. These involve tedious voter registration requirements, elections scheduled during harvest season and inadequate transportation, all of which serve to limit the numbers who actually vote.

It is also reflected in constraints with regard to seeking election. National political parties restrict the election of their indigenous members to decision-making leadership posts in the internal party structure, thereby effectively excluding them from the wider political arena.

Though indigenous peoples are underrepresented and excluded from political life and decision making across the country, despite representing at least 40 per cent of the population, they do typically have more representation in local government. Nevertheless, the major political parties and local authorities continue to exclude indigenous peoples from their structures and do not uphold their demands and rights. The only existing indigenous political party, Winaq, usually wins only around 3.5 per cent of the vote and has limited financial resources.

Current issues

Social and economic rights

In reality, apart from the few remedial policies of recent years and the gradual emergence of a slightly more tolerant climate, little that is concrete has occurred to improve the lot of the indigenous population following the end of the 36-year civil war.

Despite the 1996 agreement to promote indigenous cultural and social rights, the free expression of Mayan religion, language and other factors continues to be hampered by a shortage of resources and a lack of political will to enforce laws and implement the 1996 peace accords.

Indigenous Guatemalans continue to have a number of key grievances. Among these are protection, redistribution and access to land, and improved wages and working conditions. Less than 1 per cent of export-oriented agricultural producers still control 75 per cent of the best land, leaving indigenous people to continue to seek wage labour through internal and external seasonal migration.

Other enduring issues include lack of constitutional support for indigenous civil rights and status; the location and identification of indigenous persons disappeared or dead since the internal armed conflict; the prosecution of war crimes and human rights abuses committed during the civil war; the right to teach, publish and deal with the government in indigenous languages; less discriminatory police services; greater political rights in their own communities; access to justice, including the right to administer indigenous justice; and greater participation in central state decision-making.

Legal constraints

Discrimination also continues in the restrictions on indigenous peoples' rights in judicial proceedings. Many Maya continue to be tried in Spanish, even though they do not speak the language. This is due to a shortage of both bilingual judges and/or interpreters. In practice, too few interpreters are trained or hired; consequently, in some localities, provisions mandating the presence of a suitably qualified interpreter are ignored.

The government's efforts to acknowledge and prosecute human rights abuses, including its cooperation with a UN-sponsored 'truth commission', have been marred by charges of judicial corruption evidenced by the light sentencing of human rights cases. Nevertheless, the arrest and prosecution of former president Ríos Montt, responsible for the mass killing of indigenous Guatemalans in the early 1980s, while repeatedly inconclusive, appeared to offer some progress towards achieving long delayed justice for the victims of the civil war.

There have been other positive developments for minority and indigenous communities in recent years in terms of addressing the root causes of impunity in Guatemala. These included the investigation and prosecution of a number of perpetrators, resulting from a collaborative effort on the part of the United Nations International Commission against Impunity in Guatemala (CICIG) and the Attorney General's Office. In June 2014, two former soldiers were arrested in a case concerning the sexual assaults of 15 Q'eqchi' Mayan women in 1982 in

Zarco, followed by the arrest shortly afterwards of three former policemen in relation to the 1990 murder of Myrna Mack, an anthropologist working on and defending indigenous peoples' rights.

There was also progress regarding the redress of thousands of Maya Achi indigenous people and their family members who were either displaced or massacred over the construction of the Chixoy dam in the 1980s. Following an Act passed in January 2014 by the US Congress that denied financial aid to Guatemala unless it implemented reparations for the people affected by the dam, President Otto Pérez Molina publicly apologized to the victims and signed an agreement to execute a reparations plan for the affected indigenous communities. The plan has a budget of US\$154 million and includes the construction of housing, infrastructure and other amenities for the affected communities, as well as land restitution. This case sets a historic precedent for redressing violations of indigenous peoples' rights over the past decades as well as ongoing land conflicts. Furthermore, in August 2014 a local court in Sipicapa ruled that mining permits and activities are illegal if local communities have not been given information and are not consulted. This ruling set legal precedents for indigenous movements upholding their land rights.

Cultural constraints

Currently there is no official recognition of Maya culture as such. The term 'Mayan people', consecrated by the 1995 Agreement, is still not widely used in the rural communities; however, some note is taken of this in Articles 42, 58 and 62 of the Constitution.

Many indigenous peoples consider the government's use of sacred grounds (so called 'Mayan ruins') as profitable tourist destinations as an affront to their spiritual rights. There is no free access to these sacred sites for indigenous Guatemalans and no government policy guaranteeing the long-term preservation or protection of ceremonial sites as archaeological preserves.

While there is legislation protecting indigenous dress in public and private schools, individual school officials have the right to enforce their own specific non-Mayan dress codes. Furthermore, traditionally dressed Mayan women, regardless of income level, still face discrimination in all spheres of social life.

There is also continuing opposition to obligatory bilingual education displayed by teachers in certain indigenous areas. This means that even those children living in municipalities that are densely indigenous are still taught in Spanish.

It is expected that the growing numbers of indigenous middle-level professionals, such as teachers, nurses, NGO staff and technical personnel in various fields, and an ever-growing number of university students will begin to have an increasing effect on achievement of indigenous peoples' rights.

Resource control

One of the major ongoing issues affecting Mayan communities is the increasing activity of the

mining industry.

According to Rights Action, a US-based NGO that supports indigenous land reclamation efforts, protesters in the Q'eqchi' Mayan village of Chichipate located atop a large deposit of nickel have claimed mining company complicity in the forced removal of indigenous residents to begin mine construction. Indigenous communities as well as environmentalists are also concerned about damage and pollution of water sources through use of water from nearby Lake Izabal to cool nickel-smelting furnaces at a rate of 200 litres per second. Clashes during a protest in May 2017 led to one dead and six injured; artisan fishers say that the nickel processing has contaminated local fisheries.

The extractive industry model promoted by the Guatemalan government and the construction of large-scale development projects on indigenous lands without community consent has been a source of ongoing disputes with resistance movements. These conflicts are exacerbated by the fact that the existing legal mechanisms available for indigenous communities seeking to defend their rights to land and to free, prior, and informed consent are not effective tools for this purpose. Indigenous farmers have also been involved in increasing conflict over the possession of their lands. In 2013, the Ministry for Agrarian Issues reported that nearly 60 per cent of the land conflicts' plaintiffs were indigenous farmers.

Community resistance has also led to the criminalization of respected indigenous elders. In 2016, a group of 11 Maya Mam activists were arrested by police in the community of San Pablo in the department of San Marcos; they included leading ancestral authority Tata Oscar Sánchez Morales. They were protesting the Hidrosalá hydroelectric dam, which they state was authorized without their community's consent. Oscar Sánchez was released into house arrest after two months' detention; his detention sparked an international outcry. Local activists reported that approximately 50 arrest warrants were pending against elders, creating an atmosphere of fear in the community.

Migration

Guatemala's long civil war, ongoing conflicts related to large-scale development or extractive projects and extreme rural poverty have all contributed to the migration of indigenous people from rural to urban areas, mostly to Guatemala City. This migration has added pressure to a metropolitan area that has historically lacked proper planning policies, with a large proportion – over 40 per cent – of the city's population living in slums or shanty towns. Following this pattern, indigenous people migrating to Guatemala City and other urban areas have established or settled in informal and unplanned urban spaces or shanty towns that lack proper basic public services, such as water and health care, and are often located in dangerous or inaccessible areas.

Indigenous people in Guatemala's urban areas experience high levels of discrimination and exclusion based on their ethnic background, dress and language. Since many do not speak Spanish and wear their traditional clothes, they are marginalized from the formal labour market, limiting their opportunities to access social security and a better income. For example,

according to one estimate, 80 per cent of maids working in private homes are indigenous. Because of their concentration in such low-paid jobs, indigenous families in Guatemala's urban areas mobilize all their members, including children, to work.

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